

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3 JOSHUA DALKE,

4           Plaintiff

5 v.

6 METRO POLICE DEPARTMENT,

7           Defendant

Case No.: 2:21-cv-00596-APG-DJA

**Order Accepting Report and  
Recommendation**

[ECF Nos. 6, 7, 9-11]

8           On September 20, 2021, Magistrate Judge Albregts recommended I dismiss this case with  
9 prejudice because plaintiff Joshua Dalke's claims are clearly time-barred and he provided  
10 nothing to show the limitation period has not run or that equitable tolling applies. ECF No. 11. I  
11 accepted the recommendation because Dalke did not object. ECF No. 12. Dalke subsequently  
12 wrote a letter to the court stating he did not receive Judge Albregts' Report & Recommendation.  
13 I therefore reopened the case and allowed Dalke to file an objection. ECF No. 15. Dalke filed an  
14 objection (ECF No. 16) after the extended deadline, but I have considered it as if it was timely  
15 filed.

16           I have conducted a de novo review of the issues set forth in Judge Albregts' Report &  
17 Recommendation under Local Rule IB 3-2. The Report & Recommendation sets forth the proper  
18 legal analysis and factual basis for the decision, and I accept and adopt it as my own.

19           I THEREFORE ORDER that Magistrate Judge Albregts' Report & Recommendation  
20 **(ECF No. 11) is, again, accepted**, the amended complaint **(ECF No. 5) is dismissed with**  
21 **prejudice**, and all other pending motions **(ECF Nos. 6-7, 9-10) are denied as moot.**

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1 I FURTHER ORDER the clerk of court to enter judgment accordingly and to close this  
2 case.

3 DATED this 18th day of January, 2022.



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4 ANDREW P. GORDON  
5 UNITED STATES DISTRICT JUDGE  
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